

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 05-11812

FILED
U.S. COURT OF APPEALS
ELEVENTH CIRCUIT
April 21, 2006
THOMAS K. KAHN
CLERK

D. C. Docket No. 04-00185-CR-WS

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

CHARLESTON LYRON DAUGHTRY,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Alabama

(April 21, 2006)

Before BIRCH and CARNES, Circuit Judges, and TRAGER*, District Judge.

PER CURIAM:

* Honorable David G. Trager, United States District Judge for the Eastern District of New York, sitting by designation.

This is Charleston Lyron Daughtry's appeal from the sentence that was imposed on him after he pleaded guilty to possession of cocaine with intent to distribute, in violation of 21 U.S.C. § 841(a)(1). We will keep this opinion brief, because it is unpublished, the parties are familiar with the facts and issues, and we had a thorough discussion of the case with the attorneys at oral argument.

The district court did not err by employing the preponderance of the evidence standard in determining the quantity of cocaine to attribute to Daughtry. See United States v. Chau, 426 F.3d 1318, 1324 (11th Cir. 2005); United States v. Rodriguez, 398 F.3d 1291, 1296 (11th Cir. 2005); see also United States v. Barakat, 130 F.3d 1448, 1452 (11th Cir. 1997). As for the factual issues involving the quantity of drugs to be attributed to Daughtry, the district court was in a far better position than we are to resolve conflicts in the evidence and make credibility choices. It heard live testimony not only from Agent Loftis, but also from Daughtry himself. We cannot say that the district court's resolution of conflicts in that evidence, or its decision to credit the parts of the agent's testimony that it did, was clear error.

AFFIRMED.